RESTRICTION REQUIREMENT UNDER 35 U.S.C. §121

Applicants hereby affirm the provisional election made with traverse of Group I, claims

1-3, and made with traverse in a telephone conversation with the Examiner. The grounds for

traverse are as follows.

In order to properly maintain a restriction requirement under 35 U.S.C. §121, two

distinct criteria must be satisfied. Namely, as set forth in MPEP §803, (1) the subjects of the

claimed inventions must be shown to be either distinct or independent, and (2) it must be

shown that examination of the two separately claimed inventions together in a single

application would pose a "serious burden" to the Examiner. It is submitted that at least the

second of these criteria has not been satisfied. In particular, the nature and relationship

between the two separately claimed inventions are such that examination together of claims 1-3

and claims 4-6 in a single application would not pose a "serious burden" to the Examiner.

However, in order to expedite prosecution, claims 4-6 have been canceled, subject to

applicants' right to pursue these claims in a divisional application.

**DOUBLE PATENTING REJECTION** 

Claims 1-3 stand rejected under the judicially created doctrine of double patenting as

being unpatentable over claims 1-3 of U.S. Patent No. 6,250,855 on the grounds set forth in

paragraph 7 of the Official Action. This rejection is respectfully traversed.

However, in order to expedite prosecution, applicants submit herewith a duly executed

Terminal Disclaimer, thereby obviating the above-noted ground of rejection.

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## CONCLUSION

From the foregoing, further and favorable action in the form of a Notice of Allowance is earnestly solicited. Should the Examiner feel that any issues remain, it is requested that the undersigned be contacted so that any such issues may be adequately addressed.

Respectfully submitted,

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